REMARKS

1.   In response to the Office Action mailed April 19, 2007, Applicants respectfully request reconsideration. Claims 1 through 20 were previously presented in the application. Claims 1 through 20 were rejected in the outstanding Office Action. By the foregoing Amendments, claims 1 through 4, 6 through 8, 11, 15 through 18 and 20 have been amended. No claims have been added or canceled. Thus, upon entry of this paper, claims 1 through 20 will remain pending in this application. Of these twenty (20) claims, three (3) claims (claims 1, 15 and 20) are independent. Based on the above Amendments and following Remarks, Applicant respectfully requests that the outstanding objections and rejections be reconsidered, and that they be withdrawn.

Art of Record

2.   Applicants acknowledge receipt of form PTO-892 identifying additional references made of record by the Examiner.

Interview

3.   Applicants thank the courtesies extended to Applicants' representative on July 17, 2007. However, the Examiner and Applicants' representative were unable to schedule an interview prior to filing this response.

Claim Rejections under Section 102

4.   Independent claim 1 and dependent claims 2 through 12 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0195959 to Labadie, *et al.* (hereinafter, "Labadie"). Based upon the above Amendments and following Remarks, Applicants respectfully request reconsideration and withdrawal of these rejections.

5.   Independent claim 1, as amended, recites "for each of selected ones of said plurality of transactions, obtaining a performance metric corresponding to the selected transaction by: ***installing an instrument hook*** upon loading the selected transaction; and instrumenting said selected transaction upon execution of the selected transaction using one or more

plug-in instruments called by the instrument hook." (*See,* Applicants' Claim 1, above; emphasis added). As stated previously, Labadie is directed to a framework for managing data that provides correlation information in a distributed computing system. (*See,* Labadie at Abstract). FIGs. 4A-4C of Labadie illustrate event occurrence time lines and counter assignments to the events of various process/thread/provider scenarios. (*See,* Labadie at para 23). More particularly, FIG. 4A of Labadie illustrates an event line for each of two threads of a process instrumented by a single provider. (*See,* Labadie at para 55.) As such, these figures of Labadie do not disclose installing an instrument hook upon loading the selected transaction. Further, these figures of Labadie do not disclose instrumenting a selected transaction upon execution of the selected transaction using one or more plug-in instruments called by the instrument hook, as claimed. Therefore, for at least these reasons, the Examiner has failed to provide a single reference that teaches every element of claim 1.

6.   Independent claim 20 has been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2004/0220947 to Aman, *et al.* (hereinafter, "Aman"). Based upon the above Amendments and following Remarks, Applicants respectfully request reconsideration and withdrawal of these rejections.

7.   Independent claim 20, as amended, recites "obtaining a performance metric corresponding to selected transaction of a plurality of parent-child transactions by *installing an instrument hook* upon loading the selected transaction; and instrumenting said selected transaction upon execution of the selected transaction using one or more *plug-in instruments called by the instrument hook.*" (*See,* Applicants' Claim 20, above; emphasis added). As stated previously, Aman is directed to workload reporting in a distributed transaction processing environment having call trees in which a child application performs a child transaction on behalf of a parent application performing a parent transaction. (*See,* Aman, para. 20). As such, the disclosure of Aman does not disclose installing an instrument hook upon loading the selected transaction. Further, the disclosure of Aman does not disclose instrumenting a selected transaction upon execution of the selected transaction using one or more plug-in instruments called by the instrument hook, as claimed. Therefore, for at least these reasons, the Examiner has failed to provide a single reference that teaches every element of claim 20.

Claim Rejections under Section 103

8.   Independent claim 15 and dependent claims 16 through 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Labadie and further in view of U.S. Patent Publication 2003/0120593 to Bansal, *et al.* (hereinafter, "Bansal"). Without addressing the lack of evidence to support the combination of Labadie and Bansal, based upon the above Amendments and following Remarks, Applicants respectfully request reconsideration and withdrawal of these rejections.

9.   Independent claim 15, as amended, recites "obtaining a performance metric corresponding to each of said at least two Java transactions by: *installing an instrument hook* upon loading each of said at least two Java transactions; and instrumenting each of said at least two Java transactions upon execution of each of said at least two Java transactions using one or more *plug-in instruments called by the instrument hook.*" (*See,* Applicants' Claim 15, above; emphasis added). For similar reasons as stated above in paragraph 5, Labadie fails to disclose either installing an instrument hook upon loading the selected transaction or instrumenting a selected transaction upon execution of the selected transaction using one or more plug-in instruments called by the instrument hook, as claimed. Further, Bansal is only offered for teaching the use of messaging over IIOP in a J2EE based network. (See, Office Action, page 8). Thus, even if Bansal could be properly combined with Labadie, Bansal fails to remedy the deficiencies of Labadie. Therefore, the Examiner has failed to provide a single or combination of references that teach every element of claim 15.

Dependent Claims

10.   In addition, to the rejection of the dependent claims referenced above, dependent claims 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Labadie and further in view of U.S. Patent 7,003,565 to Hind, *et al.* (hereinafter, "Hind"). The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicants respectfully request that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

11.   In view of the foregoing, this application should be in condition for allowance.   A notice to this effect is respectfully requested.

Respectfully submitted,

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